



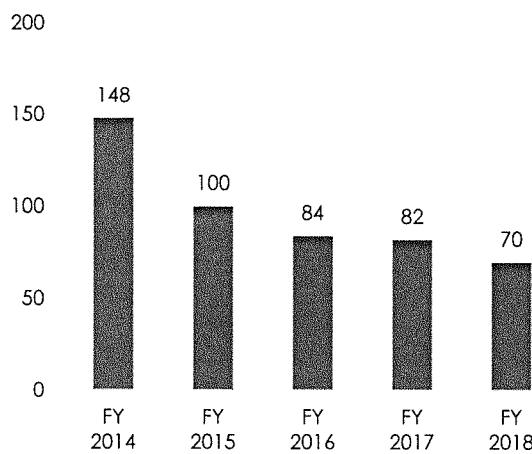
# Quick Facts

## — Copyright and Trademark Offenses —

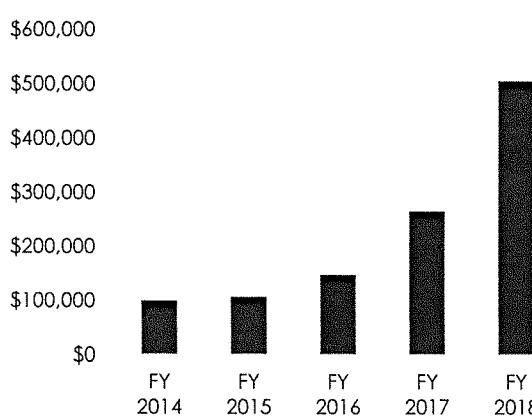
### Fiscal Year 2018

- IN FY 2018, 69,425 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- 70 OF THESE INVOLVED COPYRIGHT AND TRADEMARK OFFENSES.<sup>1,2</sup>
- COPYRIGHT AND TRADEMARK OFFENSES HAVE DECREASED BY 52.7% SINCE FY 2014.

**Number of  
Copyright and Trademark Offenders**



**Median Loss for  
Copyright and Trademark Offenses**



### Offender and Offense Characteristics

- 90.9% of copyright and trademark offenders were men.
- 47.0% were White, 30.3% were Other races, 13.6% were Hispanic, and 9.1% were Black.
- Their average age was 43 years.
- 80.3% were United States citizens.
- 87.9% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was \$506,586.
  - ◆ 37.0% involved loss amounts of \$150,000 or less.<sup>3</sup>
  - ◆ 78.3% involved loss amounts of \$1.5 million or less.
- Sentences were increased for:
  - ◆ the manufacture, importation, or uploading of infringing items or for trafficking in circumvention devices (74.2%);
  - ◆ involving a counterfeit drug (12.1%);
  - ◆ leadership or supervisory role in the offense (10.6%); involving a risk of death or serious injury or possession of a dangerous weapon (4.6%); and
  - ◆ abuse of a position of trust (1.5%).
- Sentences were decreased for:
  - ◆ minor or minimal participation in the offense (7.6%).
- The top six districts for copyright and trademark offenders were:
  - ◆ Northern District of Georgia (8);
  - ◆ Middle District of Florida (7);
  - ◆ Western District of Missouri (6);
  - ◆ Southern District of New York (5);
  - ◆ Southern District of Florida (4);
  - ◆ Southern District of Texas (4).

### Punishment

- The average sentence for copyright and trademark offenders was 11 months.
- 42.4% of copyright and trademark offenders were sentenced to prison.
- None of the copyright and trademark offenders were convicted of an offense carrying a mandatory minimum penalty.



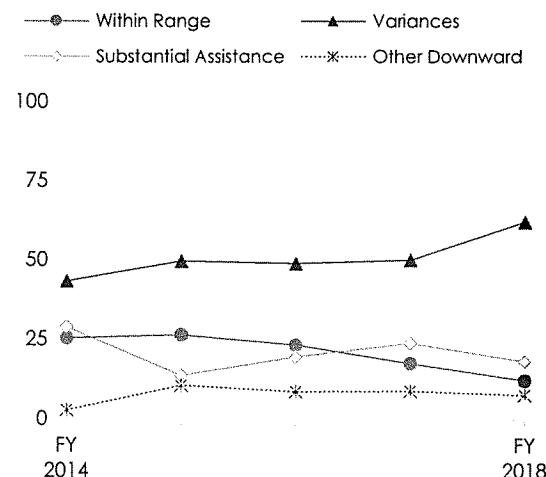
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## — Copyright and Trademark Offenses —

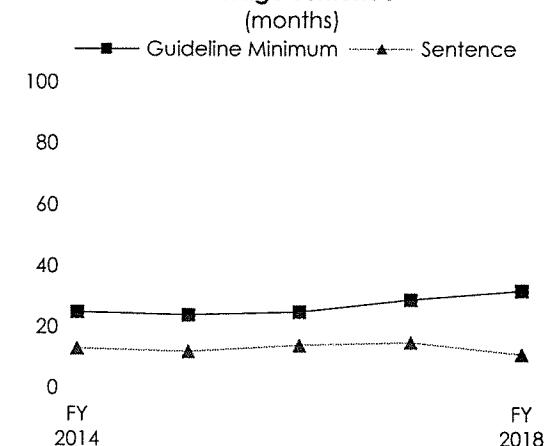
### Sentences Relative to the Guideline Range

- Of the 37.9% of copyright and trademark offenders were sentenced under the *Guidelines Manual*:
  - ◆ 32.0% were sentenced within the guideline range.
  - ◆ 48.0% received a substantial assistance departure.
    - ◊ Their average sentence reduction was 69.8%.
  - ◆ 20.0% received some other downward departure.
    - ◊ Their average sentence reduction was 76.9%.
- 62.1% received a variance; of those offenders:
  - ◆ 100.0% received a downward variance.
    - ◊ Their average sentence reduction was 77.2%.
- The average guideline minimum has increased while the average sentence imposed has decreased over the past five years.
  - ◆ The average guideline minimum increased from 25 months in fiscal year 2014 to 32 months in fiscal year 2018.
  - ◆ The average sentence imposed decreased from 13 months in fiscal year 2014 to 11 months in fiscal year 2018.

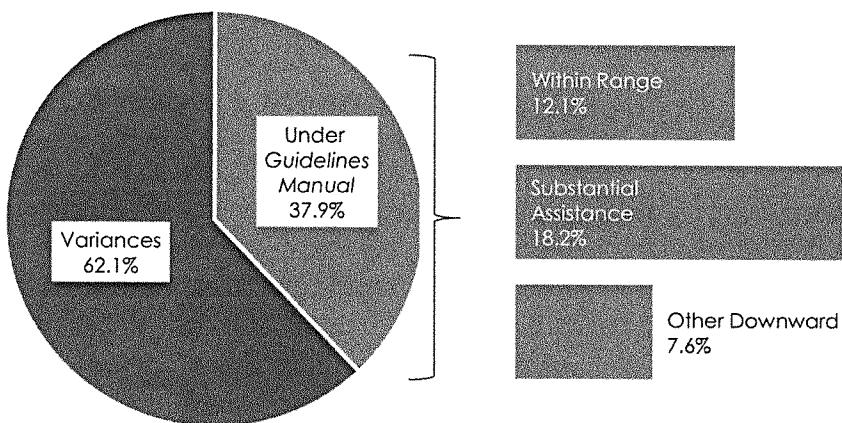
### Sentence Relative to the Guideline Range (%)



### Average Guideline Minimum and Average Sentence (months)



### Sentence Imposed Relative to the Guideline Range FY 2018



<sup>1</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>2</sup> Copyright and Trademark offenses include cases in which the offender was sentenced under §2B5.3 (Criminal Infringement of Copyright or Trademark).

<sup>3</sup> The Loss Table was amended effective November 1, 2001 and November 1, 2015.